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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,122	10/05/1999	ALBERTO GUTIERREZ, JR.	RR2619	9247

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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 12/19/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,122

Applicant(s)

GUTIERREZ, JR. ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-25, 30-38, 43-53, 58-60 is/are rejected.
- 7) ☒ Claim(s) 11-14, 26-29, 39-42 and 54-57 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-10,15-25,30-38,43-53,58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Patent Number 5,923,650) in view of Ali et al. (U. S. Patent Number 5,896,411).

Regarding claims 1-3,5,19,20,47,48, Chen et al. discloses essentially all the claimed invention as set forth in the instant application, further Chen et al. discloses a method and apparatus for reverse link rate scheduling as exhibited in figure 12, in addition Chen et al. discloses a common power control signal on a carrier wave and transmitted from a base station to a plurality of subscriber units, Chen et al. discloses in column 40 lines 6-23 puncture bits (which reads on a plurality of inhibit bits corresponding to a reverse link and indicating whether a dedicated burst mode has been scheduled for the reverse link common channel) however Chen et al. fails to disclose a plurality of power control bits.

In the same field of endeavor, Ali et al. discloses an enhanced reverse link power control in a wireless communication system. Ali et al. further discloses a plurality of power control bits

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corresponding to a reverse link to adjust its reverse link transmission power in column 6 lines 1-20.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Chen et al. by modifying a method and apparatus for reverse link rate scheduling with a plurality of power control bits as taught by Ali et al. for the purpose of ensuring an acceptable service quality.

Regarding claims 4, 7- 9, 7,22,-24, 35-37, 50-52, Chen et al. discloses everything claimed, as applied above (see claim 1) additionally, Chen et al. discloses a plurality of reverse link common channels are offset from one another as disclosed in column 7 lines 15-23.

Regarding claim 6, Chen et al. discloses everything claimed, as applied above (see claim 1) additionally, Chen et al. discloses in column 2 lines 45-50 (which reads on) a first and second power control/inhibit bit stream of offset from the first power control.

Regarding claims 10,25,38,53, Chen et al. discloses everything claimed, as applied above (see claim 1) however, Chen et al. fails to disclose a third and fourth power control/inhibit bit stream the corresponds to the third and fourth reverse link common channel.

Especially in view of the fact that Chen et al. does provide for the uses of a first and second power control/inhibit bit stream disclosed in column 2 lines 45-50.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Posner et al. by specifically providing for a third and fourth power control/inhibit bit stream the corresponds to the third and fourth reverse link common channel as taught by Chen et al. for the purpose of ensuring an acceptable service quality.

Regarding claim 15,16,17,31,32,44,45,59,60, Chen et al. discloses everything claimed, as applied above (see claim 1) additionally, Chen et al. discloses common power control on a forward link carrier wave of a Walsh channel in a cdma system a common power control signal and a (interleaved bits into another signal space, which reads on) a quick paging signal as disclosed in column 7 lines 5-10.

Regarding claims 18,21,30,33,34,43, Chen et al. discloses everything claimed, as applied above (see claim 1) additionally, Chen et al. discloses a base station supports communications with a CDMA system comprising, an antenna (60), a interface (62), a spreader/despreader (64), a coder/decoder (66,72), processing circuitry (68), memory (94), a base station controller (14) as exhibited in figure 2 , 3.

Allowable Subject Matter

2. Claims 11-14,26-29,39-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Pertinent Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Willenegger et al. (U. S. Patent Number 5,933,781) discloses pilot based reversed channel power control;

Endo et al. (U. S. Patent Number 6,035,210) discloses transmission power control apparatus for a mobile communication system;

Chen et al. (U. S. Patent Number 5,923,650) discloses method and apparatus for reverse link rate scheduling;

Rezaiifar et al. (U. S. Patent Number 6,377,809) discloses method and apparatus for channel structure for communication system;


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6306 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

S. Smith
December 16, 2002


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
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